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January 5, 2017

Regional Freedom of Information Officer
U.S. EPA, Region 6
1445 Ross Avenue (6MD-OE)
Dallas, TX 75202-2733
(214) 665-7202

Re: FOIA Request for files and records related to
the Ruidoso Wastewater Treatment Plant

Dear Record Custodian:

Pursuant to the Freedom of Information Act, we request copies of and/or an opportunity to inspect the following records:

All documents related to the procurement, construction, design, engineering funding, technical services provided to, and/or any other matters related to the Regional Wastewater Treatment Plant located in Ruidoso, including but not limited to all:

1. Records of Technical Services provided
 - a. Records of Engineer Services During the Planning Phase
 - b. Record of Engineering Service During the Design Phase
 - c. Record of Engineering Service During the Construction Phase
 - d. Record of Engineering Service During the Operation Phase
 - e. Planning Service scope of work, cost proposal and compensation for Engineering Services During the Planning Phase
 - f. Design Service scope of work, cost proposal and compensation for Engineering Services During the Design Phase
 - g. Construction Service scope of work, cost proposal and compensation for Engineering Services During the Design Phase
 - h. Operational Service scope of work, cost proposal and compensation for Engineering Services During the Operation Phase
 - i. Records of Individuals involved in the project:



- a. Records which contain the name of the Project Manager or Client Manager who interfaced with the client and/or operators;
 - b. Records which contain the name of the registered PE engineer of record;
 - c. Records which contain the name of the senior designer if different from engineer of record;
 - d. Records which contain the name of the engineer who processed pay requests, change orders, and field orders;
 - e. Record which contain the name of the Resident Project Representative and/or Inspector;
- 2. Planning Phase Documents:
 - a. Procurement documents:
 - a. Request for proposals,
 - b. Applications for funding,
 - c. Requests, grants, or other funding documents;
 - b. Contractual Submissions and Documents:
 - a. Engineering bids, applications, approvals, and/or submissions;
 - b. Awarded contract for contractor and/or engineer;
 - c. Engineering agreements and/or contracts;
 - d. Special Provisions;
 - e. Records of Scope of work;
- 3. Design Phase documents;
 - a. Plant design standards;
 - b. Design Plans;
 - c. Drawings, specifications, and/or report as approved at the beginning of the project;
 - d. Copies of "As-Built" drawings prepared at the finalization of the project;
 - e. Copy of specific designs, submittals and product literature related to the grating and steel plate cover originally provided at the plant and for the top of the basin;
 - f. Approved engineering detail for covers to the top of the tank;
 - g. Drawings, engineering drawings for the covers to the top of the tank as built;
 - h. Copies of any inspection reports taken during the design phase;
 - i. Records of services after the award of the contract in evaluating and determining the acceptability of a substitution related in any way to the top coverings or related to any area near the top of the tank.
 - j. The diagram, elevation and all drawings which show the anchor location on the top of the tank for the placement of a jib crane;
 - k. The original specifications for all jib cranes as set forth in the design;
 - l. Any modifications to the jib crane specifications for the design;

- m. Any correspondence, documentation, plans, specifications, and/or the like related to the purchase of jib cranes and/or number of jib cranes required, recommended, and/or called out for the wastewater plant in the contract;
- 4. Construction Phase Documents:
 - a. Copies of Submittal Log;
 - b. Copies of Field Orders and any and all substituted specifications, plans, drawings, and or the like;
 - c. Change order Directives, Change Orders, Change Order Logs, and any and all substituted specifications, plans, drawings, and or the like;
 - d. Punch Lists or any other document prepared near the end of the construction project listing work not conforming to contract specifications.
 - e. Copies of change orders, change order logs, and any and all substituted specifications, plans, drawings, and or the like of the plate, and/or cover, and/or top of the tank with the original specifications for the plate and/or cover, and/or top of the tank.
 - f. Records of substitute materials or equipment and "or-equal" items;
 - g. Any documents related to the submittals for grate covers;
 - h. All communication, documents, plans, showing any and all modifications to the existing grate that was placed as a temporary cover to the top of the tank;
 - i. Copies of any Inspection reports and/or documents during the construction phase.
 - 5. All records from Study and Report Phase;
 - a. Project peer review records;
 - b. Construction management records;
 - c. Value engineering and constructability review records
 - d. Records of performing and furnishing services
 - e. Revised studies, reports, drawings, specification, and other bidding documents as a result of any review process
 - f. Record of any significant amount of defect, neglected, or delayed work by the contractor;
 - g. Records of any defaults by the Contractor;
 - h. Any record pertaining directly to contract performance;
 - i. Any record dealing with the inspection and/or evaluation of the plant.
 - 6. Operational Phase:
 - a. Operation and Training Documents;
 - b. Operations and Maintenance Manuals prepared for the for the plant;
 - c. Records of the provided Resident Project Observation;
 - 7. Subsequent work after initial construction:

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- a. Current Request for Proposal related in any way to the Regional Wastewater Treatment Plant;
 - b. Any correspondence, documentation, plans, specifications, and/or the like related to the purchase of jib cranes and/or number of jib cranes required, recommended, and/or called out for the wastewater plant in the contract;
 - c. Revised drawings and/or plans related to the replacement of the grating of the steel grate, and/or steel plate, and/or top plate, for the top of the tank;
 - d. Revised drawings related to replacement of the metal grate, and/or metal plate, and/or top plate that was lost inside the tank;
 - e. Records of any correspondence, emails, records and/or the like of any and all communication which the engineer or Village of Ruidoso after July 13, 2016;
 - f. Any records of continued inspections after the design and construction phase.
8. Cost and Pricing Data:
- a. The itemized costs and expenses of what was paid on the bid and final project costs;
 - b. All pay requests from the contractor and/or engineer with the corresponding payment records and amounts;
 - c. Copies of Schedule of Values;
 - d. Records of the engineer's financial information and data used in the preparation or support of any cost submission required under applicable regulations for negotiated contracts or change orders and a copy of the cost summaries;
 - e. Records related to the funding of the project.
9. Audit Records:
- a. Records of any audits;
 - b. Records of an/d or obtained from any access, inspection, and or copying of books, records, documents, and other evidence directly pertinent to the performance of EPA funded work;

Please contact us to let us know when you anticipate the records will be available. Due to the amount of the documents requested, we understand that it would not be possible to produce these records within the three (3) day period for compliance within the Inspection of Public Records Act. If additional time is needed, please let us know. We would appreciate it if you could send us as many documents as may be available to you as soon as possible, rather than waiting to gather all documents and send them at one time if this is possible.

Some of the above requests may be duplicative in nature, however, due to the number of documents being requested we want to make sure that we are thorough in our request. If you have any questions concerning any of the requests, please contact my office or you can email our lead paralegal, Debbie, at debbie@davidcchavez.com.

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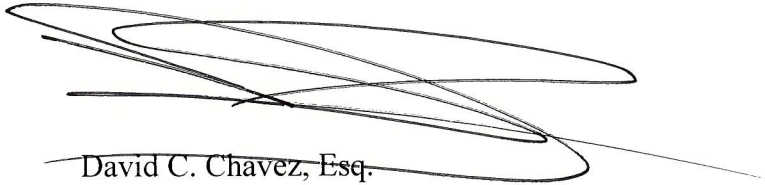
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These are the documents that we are requesting to review. We propose that you call us to discuss and/or review.

Sincerely,

THE LAW FIRM OF DAVID C. CHAVEZ, LLC

A large, stylized handwritten signature in black ink, appearing to be "David C. Chavez", is written over the printed name and extends across the list of names below.

David C. Chavez, Esq.

Lauren L. Zabicki, Esq.

Encl.: as stated

Cc: file